

FILED

Scott Huminski
2624 S. Bahama Drive
Gilbert, AZ 85295
(480) 243-8184

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

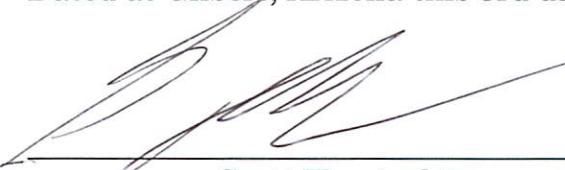
Martha Vassalle, et al.,)
Plaintiffs,) CIVIL ACTION(s)
)
-V-) No. 3:11-cv-0096
)
Midland Funding LLC, et al.,)
Defendants.)

**MOTION FOR DECLARATORY JUDGMENT and REPLY TO PLAINTIFF'S
OPPOSITION TO RE-OPEN**

NOW COMES, Scott Huminski ("Huminski") and replies to Plaintiff's opposition and pursuant to F.R.Civ.P. 57, 28 U.S.C. § 2801 moves for a declaratory judgment against Midland Funding LLC, declaring that based upon the affidavit filed herewith:

1. Midland Funding's debt collection attorneys violate the ABA Model Rules of Professional Conduct (the appropriate ethical guidelines as the misconduct of Midland is nationwide),
2. That Midland Funding is a vexatious litigator.

Dated at Gilbert, Arizona this 3rd day of August, 2012.



Scott Huminski

A copy of the foregoing was served upon all parties of record on or before August 3, 2012.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Martha Vassalle, et al.,)	
Plaintiffs,)	CIVIL ACTION(s)
)	
-V-)	No. 3:11-cv-0096
)	
Midland Funding LLC, et al.,)	
Defendants.)	

**AFFIDAVIT OF SCOTT HUMINSKI IN SUPPORT OF PENDING MOTIONS
AND IN SUPPORT OF A FINDING THAT MIDLAND IS A VEXATIOUS
LITIGATOR AND THAT MIDLAND VIOLATES THE ABA MODEL RULES
OF PROFESSIONAL CONDUCT**

NOW COMES, Scott Huminski ("Huminski") and hereby swears and deposes based upon personal knowledge, under oath, as follows:

1. Frederick J. Hanna and Associates ("Hanna") are Georgia debt collection lawyers for Midland Funding LLC ("Midland").
2. In 2010 and 2011 James T. Freaney, Esq. ("Freaney") was/is an attorney for Hanna and for Midland Funding LLC.
3. In 2011, Freaney testified in Court, under oath, that Hanna files 8,000 to 10,000 lawsuits a month and receives up to 100 answers to those suits each day.
4. 2010 letterhead for Hanna listed 10 attorneys employed by the firm.

5. Upon information and belief it is ethically impossible for 10 attorneys to properly review/evaluate cases, prepare complaints and litigate 96,000 – 120,000 lawsuits each year.
6. Upon information and belief, all Midland debt collection attorneys handle a similar volume of lawsuits.
7. Upon information and belief, for Midland to operate profitably, the debt collection attorneys for Midland must file a huge number of lawsuits and such a volume *per se* violates several precepts contained in the ABA Model Rules of Professional Conduct.
8. Aside from generating hundreds of thousands of direct lawsuits, the conduct of Midland has flooded bankruptcy courts, federal and state courts concerning FDCPA claims, other collateral litigation and caused untold human suffering.
9. Midland has filed lawsuits against the wrong parties.
10. Midland has filed lawsuits that are time-barred.
11. Midland uses false affidavits in their litigation.
12. Midland files multiple lawsuits against individuals when one lawsuit could have been filed.
13. Midland files lawsuits without adequate documentation supporting said lawsuits.
14. Midland uses illegal robo-signed affidavits in lawsuits it files.
15. Midland files lawsuits in the wrong jurisdictions.

16. Midland files serial litigation against individual defendants in different courts.

17. Midland is an adjudicated violator of the FDCPA.

18. Midland has settled large numbers of FDCPA suits in favor of debtors.

19. Midland has argued that the U.S.D.C. (Arizona) has no jurisdiction over Huminski's/Midland litigation and U.S. District Court Judge Teilborg agreed. In U.S.D.C. (Ohio) and in the Sixth Circuit, Midland represents that the Arizona federal courts have jurisdiction over the Huminski/Midland litigation. Upon information and belief, Midland should stop lying to the federal courts and get its story straight.

20. Upon information and belief, the aforementioned facts support a conclusion that Midland is a vexatious litigator and vexatious litigation filed by Midland is perpetrated on a massive scale throughout the United States.

Dated at Gilbert, Arizona this 3rd day of August, 2012.



Scott Huminski

SWORN AND SUBSCRIBED to before me this 3rd day of August, 2012



8/14/2013

Notary

exp.

